

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 United States of America :  
4 :  
5 vs : 1:CR-107-001  
6 :  
7 Bruce P. Ward :  
8

 ORIGINAL

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12 BEFORE: Honorable William W. Caldwell  
13 PLACE: Williamsport, Pennsylvania  
14 PROCEEDINGS: Revocation Hearing  
15 DATE: Tuesday, May 12, 2004  
16 VOLUME: One  
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18  
19

20 APPEARANCES:

21 For the United States: James T. Clancy, Esquire  
U.S. Attorney's Office  
228 Walnut Street, Second Floor  
P.O. Box 11754  
23 Harrisburg, PA 17108-1754  
24 For the Defendant: Thomas A. Thornton, Esquire  
Federal Public Defender's Office  
100 Chestnut Street, Suite 306  
25 Harrisburg, PA 17101

1 (9:50 a.m., convene.)

2 | THE COURT: Good morning.

3 MR. CLANCY: Good morning, Your Honor. Your Honor,  
4 before the Court this morning is United States of America  
5 versus Bruce P. Ward. It is docketed to 1:CR-01-107. This  
6 defendant was sentenced to a term of imprisonment for 27  
7 months and a term of supervised release to follow that  
8 imprisonment for a term of two years.

9           The defendant completed his prison term and started  
10      his supervised release. A condition of that supervised  
11      release was that he participate in mental health treatment  
12      at the direction of the probation office. He was directed  
13      to participate in sex offender training.

14 As this Court knows, a petition was filed by the  
15 probation office requesting a warrant or summons for the  
16 defendant because of his discharge from sex offender  
17 treatment by the facility where he was attending that  
18 treatment.

19 THE COURT: Right.

20 MR. CLANCY: Rather than have a full-blown hearing  
21 this morning, I have had discussions with the probation  
22 officer and Mr. Thornton on behalf of the defendant. I wish  
23 to proceed by proffer. And the opening I just gave the  
24 Court is essentially my proffer; that the defendant, because  
25 of his lack of active participation in sex offender

1 treatment, was discharged, and his lack of participation  
2 amounts to a violation of his supervised release term.

3 Mr. Thornton, on behalf of the defendant, I  
4 believe, wishes to ask the Court, rather than impose a  
5 prison term for that violation, that the Court allow a  
6 modification of conditions. I will leave that to  
7 Mr. Thornton.

8 THE COURT: Mr. Thornton.

9 MR. THORNTON: Yes, Your Honor. That's correct.  
10 As you probably noticed in the violation notice that was  
11 sent by the probation office, Mr. Ward is complying  
12 completely with all of the other conditions of release.  
13 He's employed. As a matter of fact, he finally got a good  
14 job where he's able to make enough money to afford his child  
15 support. He's currently making approximately \$7 an hour  
16 which brings him --

17 THE DEFENDANT: I just got a raise.

18 MR. THORNTON: He just got a raise to \$9.25 an  
19 hour, which will help a little bit. He's currently bringing  
20 home 371 every two weeks. From that 371, \$161 is taken out  
21 every two weeks for child support. So he's living on  
22 approximately \$211 every two weeks.

23 Mr. Ward is willing to attend therapy.

24 Unfortunately, the -- I guess the interplay between Mr. Ward  
25 and the people at Ponessa just hasn't worked. And I think

1 Your Honor may recall back to the beginning of this case a  
2 long time ago that there was some difficulty between  
3 Mr. Ward and Ponessa.

4 We would ask Your Honor to consider allowing  
5 Mr. Ward to go to a different placement, a different  
6 therapeutic placement where he can hopefully prosper and not  
7 incarcerate him at this time.

8 If Your Honor did intend to incarcerate him or not  
9 accept the recommendation, I would ask for some opportunity  
10 to have Mr. Ward testify and also present some other  
11 evidence. But if Your Honor was inclined to allow Mr. Ward  
12 to go to the other placement, I believe we could.

13 THE COURT: What is the other placement?

14 MR. LEAHEY: Your Honor, we also utilize  
15 Pennsylvania Counseling Services.

16 THE COURT: And I guess at this point you haven't  
17 spoken with them about this.

18 MR. LEAHEY: That's correct, Your Honor.

19 THE COURT: Any reason to feel that they may not be  
20 willing?

21 MR. LEAHEY: I can only expect that they will take  
22 him. I can't guarantee it.

23 THE COURT: Okay. Okay. Well, I think I'm willing  
24 to go along with Mr. Clancy's suggestion. I don't know if  
25 Mr. Ward wants to say anything here this morning or not.

1                   THE DEFENDANT: No, sir.

2                   MR. THORNTON: No. He's willing to take the  
3 polygraph and participate as required.

4                   THE COURT: Okay. So I think the disposition -- I  
5 think there has been a violation here, and we'll note that  
6 on the record. But we will continue the supervised release  
7 subject to Mr. Ward cooperating and complying with whatever  
8 the probation department recommends.

9                   Mr. Ward, I'm concerned about the situation here.  
10 This child pornography thing is a crime, and of course, the  
11 courts are here to enforce the law. I know you don't feel  
12 that you're making any progress and that you don't want to  
13 cooperate or that you don't want to participate in some of  
14 the things that are going on here. But you've got to  
15 understand that you're just not -- we can't let you make  
16 that judgment. I think you have to do whatever it is that  
17 is suggested. Do you understand that?

18                   THE DEFENDANT: Yes, sir.

19                   THE COURT: And I think I'm a little disturbed  
20 about the fact that you relate collecting baseball cards to  
21 collecting child pornography. Of course, collecting child  
22 pornography is against the law. Collecting baseball cards  
23 is not comparable in any way.

24                   I just want to tell you in a kind way, if I can,  
25 that if there is any further difficulty with your

1 cooperation and treatment and so forth and the government  
2 feels that you must come back here, at that point I think I  
3 would be obliged to send you back to jail, which I really  
4 don't want to do. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Are you willing to make a sincere  
7 effort?

8 THE DEFENDANT: I've been willing all along, sir.  
9 Yes.

10 THE COURT: You've got to cooperate with these  
11 people in the treatment centers.

12 THE DEFENDANT: I did attempt to.

13 THE COURT: I know you probably don't like group  
14 therapy or whatever it is that's going on, but we just can't  
15 allow you to be the judge of whether or not you should  
16 participate. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Is there any further disposition needed  
19 at this point?

20 MR. CLANCY: I don't believe so, Your Honor.

21 THE COURT: Mr. Leahey.

22 MR. LEAHEY: No, Your Honor. Thank you.

23 THE COURT: Thank you very much. That concludes  
24 the hearing.

25 THE CLERK: Court is adjourned.

1 (The proceedings were adjourned at 9:59 a.m.)  
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LORI A. FAUSNAUGHT, RMR  
Official Court Reporter  
United States District Court  
Middle District of Pennsylvania  
240 West Third Street, Suite 446  
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